

“Taken from HR 5074

Technology Administration and National Institute of Standards and Technology Act of 2002...”

(Introduced in House on July 16, 2002)

(Referred to the House Committee on Science on July 16, 2002)

(Referred to the Subcommittee on Environment, Technology, and Standards on July 16, 2002)

TITLE II--TECHNOLOGY POLICY REFORMS

SEC. 201. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

(a) UNIVERSITY LEADERSHIP OF JOINT VENTURES-

(1) JOINT VENTURE AID- Section 28(b)(1) of the National Institute of Standards and Technology Act (15

U.S.C. 278n(b)(1)) is amended by striking 'industry-led United States' and all that follows through

'organizations)' and inserting 'joint ventures'.

(2) DEFINITION- Section 28(j)(1) of the National Institute of Standards and Technology Act (15 U.S.C.

278n(j)(1)) is amended by striking 'two or more persons' and inserting 'a combination of two or more persons

(which shall include at least two companies, each of which participates substantially in the joint venture, and may

include one or more institutions of higher education or nonprofit organizations)'.

(b) INTELLECTUAL PROPERTY RIGHTS OWNERSHIP- Section 28(d)(11)(A) of the National Institute of

Standards and Technology Act (15 U.S.C. 278n(d)(11)(A)) is amended to read as follows:

'(11)(A) Title to any intellectual property developed by a joint venture from assistance provided under this section

may vest in any participant in the joint venture, as agreed by the members of the joint venture, notwithstanding

section 202(a) and (b) of title 35, United States Code. The United States may reserve a nonexclusive,

nontransferable, irrevocable paid-up license, to have practiced for or on behalf of the United States in connection

with any such intellectual property, but shall not, in the exercise of such license, publicly disclose proprietary information related to the license. Title to any such intellectual property shall not be transferred or passed, except to a participant in the joint venture, until the expiration of the first patent obtained in connection with such intellectual property.'.

(c) BARRIERS TO PRODUCT DEVELOPMENT- Section 28(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)) is amended by adding at the end the following new paragraph:

`(12) No contract or award may be made for any project unless such project may remove a scientific or technological barrier to product development.'.

(d) PROJECT REVIEW AND EVALUATION- Section 28(g) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(g)) is amended to read as follows:

`(g) INDUSTRY AND PEER REVIEW OF PROPOSALS- (1) In order to analyze the need for or the value of any proposal made by a joint venture or company requesting the Secretary's assistance under this section, or to monitor the progress of any project which receives funds under this section, the Secretary, the Under Secretary of Commerce for Technology, and the Director may, notwithstanding any other provision of law, meet with such industry or other expert sources, without a proprietary or financial interest in proposals being evaluated, as they consider useful and appropriate.

`(2) In order to better assess whether specific innovations to be pursued are being adequately supported by the private sector, the Director shall conduct a study of, and thereafter monitor, whether the Secretary, the Under Secretary of Commerce for Technology, and the Director could benefit from advice and information from additional industry and other expert sources, without a proprietary or financial interest in proposals being evaluated. Not later than one year after the date of the enactment of Technology Administration and National Institute of Standards and Technology Act of 2002, and biennially thereafter, the Director shall transmit to the Congress a report containing the results of the study and monitoring under this paragraph.'.

SEC. 202. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM REPORT.

Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) is amended by adding at the end the following new subsection:

“(e) Not later than January 20 of each year, the Director shall transmit to the Congress a 3-year programmatic planning document for the Manufacturing Extension Partnership program. This document shall be developed in cooperation with the Modernization Forum.”.

SEC. 203. ANNUAL REVIEW OF THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

Section 10(h) of the National Institute of Standards and Technology Act (15 U.S.C. 278(h)) is amended--

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) The report required by paragraph (1) shall also address policy issues or matters which affect the Technology Administration, including the Office of Technology Policy and the Office of Space Commercialization, as well as assess the effectiveness and the utility Technology Administration's programs, including reports issued by the Office of Technology Policy and the Office of Space Commercialization.”.

SEC. 204. STUDIES BY THE NATIONAL RESEARCH COUNCIL.

Section 24 of the National Institute of Standards and Technology Act (15 U.S.C. 278j) is amended--

(1) by striking “The Director may” through “assist the” and inserting “The Under Secretary of Technology and the Director may periodically contract with the National Research Council for advice and studies to assist the Technology Administration and the”; and

(2) in paragraph (2) by inserting “the Technology Administration and” after “potential activities of”.

SEC. 205. MALCOLM BALDRIGE QUALITY CRITERIA ASSESSMENTS.

Not later than 6 months after the date of the enactment of this Act, the Under Secretary of Commerce for Technology shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the Technology Administration and the National Institute of Standards and Technology according to the criteria of the Malcolm Baldrige National Quality Award program.